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Attorney for Plaintiff
BETTY JEAN NAPIER

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BETTY JEAN NAPIER,

Plaintiff,

v.

TITAN MANAGEMENT SERVICES, LLC,
a Georgia limited liability company, and
FREDERICK ALLEN HOWARD,
individually and in his official capacity,

Defendants.

Case No. C08-00910-RS

**REQUEST FOR ENTRY OF
DEFAULT AGAINST DEFENDANT,
FREDERICK ALLEN HOWARD**

TO: CLERK OF THE DISTRICT COURT:

Please enter a default in this matter against Defendant, FREDERICK ALLEN HOWARD, on the ground that said party has failed to plead or otherwise defend this action within the time prescribed by the Federal Rules of Civil Procedure. Specific facts supporting the entry of default are set forth in the accompanying declaration of counsel.

CONSUMER LAW CENTER, INC.

Dated: April 23, 2008

By: /s/ Fred W. Schwinn
Fred W. Schwinn, Esq.
Attorney for Plaintiff
BETTY JEAN NAPIER

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**DECLARATION OF COUNSEL IN
SUPPORT OF ENTRY OF DEFAULT
AGAINST DEFENDANT,
FREDERICK ALLEN HOWARD**

[Fed. R. Civ. P. 55(a)]

FRED W. SCHWINN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am an attorney and counselor at law, duly admitted to practice before this Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff, I have personal knowledge of the matters stated in this declaration.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendant, FREDERICK ALLEN HOWARD, pursuant to Rule 55(a), Federal Rules of Civil Procedure, and in support of this application do show that:

a. Defendant was substitute served by Certified Mail with Return Receipt, with copies of Plaintiff's Summons and Complaint, as authorized by Cal. Civil Procedure Code § 415.40 and Rule 4(c)(1), Federal Rules of Civil Procedure;

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9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 BETTY JEAN NAPIER,

12 Plaintiff,

13 v.

14 TITAN MANAGEMENT SERVICES, LLC,
15 a Georgia limited liability company, and
16 FREDERICK ALLEN HOWARD,
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Defendants.

Case No. C08-00910-RS

**ENTRY OF DEFAULT AGAINST
DEFENDANT, FREDERICK ALLEN
HOWARD**

17 It appears from the record that the following defendant failed to plead or otherwise
18 defend in this case as required by law.

19
20 Name:

FREDERICK ALLEN HOWARD

21
22 Therefore, default is entered against the defendant as authorized by Fed R. Civ. P. 55(a).
23
24

25 _____
Clerk of the Court

26 By: _____
Deputy Clerk

27 _____
Date

1 addressed as follows:

2 **DEFENDANT:**

3 Frederick Allen Howard
4 Titan Management Services, LLC
5 2160 Satellite Boulevard, Suite 350
6 Duluth, GA 30097-4074

DEFENDANT:

Frederick Allen Howard
10665 Nellie Brook Court C
Duluth, GA 30097-1901

7 I declare under penalty of perjury that the foregoing is true and correct and that this
8 declaration was executed at San Jose, California on April 23, 2008.

9 /s/ Fred W. Schwinn